

Applicant : Kenneth L. Davis
Serial No. : 10/005,482
Filed : November 7, 2001
Page : 15 of 20

Attorney's Docket No.: 15786-034001

REMARKS

Claims 1-5, 8, 9, 11, 12, 14, 20-24, 27, 28, 30, 31, 33, 39-43, 46, 47, 49, 50, 52 and 58-72 are pending. Claims 1-5, 8, 9, 11, 12, 14, 20-24, 27, 28, 30-33, 39-43, 46, 47, 49, 50 and 52 have been amended. Claims 6, 7, 10, 13, 15-19, 25-26, 29, 32, 34-38, 44, 45, 48, 51 and 53-57 have been cancelled. Claims 58-72 are newly submitted. Applicant respectfully traverses the rejections, and requests reconsideration in view of the amendments and comments below.

I. Allowable Subject Matter

Claims 27, 36, 46 and 55 are objected to as being dependant upon a rejected base claim, but would be allowable if rewritten in independent form. In view of the amendments to the base claims and remarks below, the applicant respectfully submits the base claims are in condition for allowance. Accordingly, claims 27, 36, 46 and 55 are also in condition for allowance, which action is requested by the applicant.

II. The § 112 Rejections

Claims 2, 11, 21, 30, 40 and 49 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicant has amended each of claims 2, 11, 21, 30, 40 and 49 to correspond to the specification. In particular, each of the claims have been amended to recite updating a determined design schedule, as discussed in the specification beginning at page 17, line 11 through page 18, line 7. For example, a design schedule can be updated in response to a user selecting additional operations to be included within solid model information associated with a CAD model.

Claims 9, 28, and 47 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The applicant respectfully submits the amendments to these claims overcome the Examiner's rejections, and that the claims are in condition for allowance. Applicant respectfully requests withdrawal of the § 112 rejections.

III. The § 101 Rejections

Claims 1-5, 8, 9, 11, 12, and 14 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant has amended these claims to recite

Applicant : Kenneth L. Davis
Serial No. : 10/005,482
Filed : November 7, 2001
Page : 16 of 20

Attorney's Docket No.: 15786-034001

computer-implemented methods which fall within the technological arts. Applicant respectfully requests withdrawal of the § 101 rejections.

IV. The § 102/103 Rejections

Claims 1-2, 9, 11, 20-21, 28, 30, 39-40, and 47 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,021,358 ("Sachs").

Claims 1, 2, 9, 20, 21, 28, 39, 40 and 47

Claim 1, as amended, recites determining a complexity value for a CAD model from CAD model information, and determining a design schedule for the CAD model based at least in part on the complexity value.

Sachs discloses methods of forming three-dimensional objects from a computer model using subtractive fabrication devices (see Abstract; FIGs. 3A-3H). Sachs, fails to disclose several aspects of claim 1. First, Sachs fails to disclose determining a complexity value for a CAD model, as required by claim 1. Second, though Sachs discloses use of a computer model (to generate three-dimensional objects), Sachs fails to disclose determining a design schedule *for a CAD model* based at least in part on the complexity value, as required by claim 1. Instead, Sachs discloses only methods for rapidly generating *actual objects* (or physical prototypes) using subtractive fabrication devices (see Abstract; FIGs. 3A-3H). The Examiner relies on the disclosure in claim 32 of Sachs. Claim 32 describes a method that provides an estimated build time to build a prototype. Claim 1 of the present application is directed to determining a design schedule for designing a CAD model on a computer, which is not the same as a time to build a physical object represented pictorially by the CAD model. Accordingly, Sachs does not disclose determining a design schedule for designing a CAD model on a computer, and more particularly, does not disclose determining a design schedule for a CAD model based at least in part on a complexity value for the CAD model. Claim 1 is therefore allowable over Sachs. Claims 2 and 9 depend from claim 1 and are therefore allowable for at least the same reasons.

Claim 20 is an independent claim directed to a storage medium having stored thereon a plurality of instructions that are machine executable. The executing instructions are operable to carry out the method steps set forth in claim 1. Accordingly, for at least the same reasons

Applicant : Kenneth L. Davis
Serial No. : 10/005,482
Filed : November 7, 2001
Page : 17 of 20

Attorney's Docket No.: 15786-034001

discussed above with respect to claim 1, claim 20 is allowable over Sachs. Claims 21 and 28 depend from claim 20 and are therefore allowable for at least the same reasons.

Claim 39 is an apparatus claim including a storage medium and a processor. The storage medium has stored thereon a plurality of instructions that are machine executable. The executing instructions are operable to carry out the method steps set forth in claim 1. Accordingly, for at least the same reasons discussed above with respect to claim 1, claim 39 is allowable over Sachs. Claims 40 and 47 depend from claim 39 and are therefore allowable for at least the same reasons.

Claims 11, 30 and 49

Claims 11 originally depended from claim 10. Claim 10 is cancelled and claim 11 has been amended to depend from new claim 64. New claim 64 recites a method that includes determining a design schedule for a CAD model based on a user level value and at least one of an estimated design time or an actual design time. As discussed above, Sachs does not disclose determining a design schedule for a CAD model. More particularly, Sachs does not disclose determining a design schedule based at least in part on a user level value and either an actual or estimated design time. Accordingly, claim 64 is allowable over Sachs, and claim 11, which depends from claim 64, is also in condition for allowance.

Claim 30 originally depended from claim 29. Claim 29 is cancelled and claim 30 has been amended to depend from new claim 67. Claim 67 is allowable for at least the same reasons set forth above with respect to claim 64, that is, Sachs does not disclose determining a design schedule based at least in part on a user level value and either an actual or estimated design time. Accordingly, claim 67 is allowable over Sachs, and claim 30, which depends from claim 67, is also in condition for allowance.

Claim 49 originally depended from claim 48. Claim 48 is cancelled and claim 49 has been amended to depend from new claim 70. Claim 70 is allowable for at least the same reasons set forth above with respect to claim 64, that is, Sachs does not disclose determining a design schedule based at least in part on a user level value and either an actual or estimated design time. Accordingly, claim 70 is allowable over Sachs, and claim 49, which depends from claim 70, is also in condition for allowance.

Applicant : Kenneth L. Davis
Serial No. : 10/005,482
Filed : November 7, 2001
Page : 18 of 20

Attorney's Docket No.: 15786-034001

Claims 3-5, 12 and 14

Claims 3-5, 12, 14, 22-24, 31, 33, 41-43, 50 and 52 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sachs in view of U.S. Patent No. 6,614,430 ("Rappoport").

Claims 3-5 depend from claim 1. For at least the reasons stated above, Sachs fails to disclose the limitations of claim 1. The Examiner does not assert that Rappoport cures the deficiencies of Sachs with respect to claim 1. Rappoport is generally directed toward methods and apparatus for transferring data between CAD systems. As with Sachs, Rappoport also fails to disclose determining a complexity value for a CAD model, as required by claim 1. Rappoport also fails to disclose determining a design schedule for a CAD model based at least in part on the complexity value. Accordingly, claim 1 is allowable over Sachs in view of Rappoport, and claims 3-5 which depend therefrom are also allowable.

Claims 12 and 14 depend from claim 64. For at least the reasons stated above, Sachs fails to disclose the limitations of claim 64. The Examiner does not assert that Rappoport cures the deficiencies of Sachs with respect to claim 64. As with Sachs, Rappoport also fails to disclose determining a design schedule for a CAD model based at least in part on the a user level value and either an actual or an estimated design time. Accordingly, claims 64 is allowable over Sachs in view of Rappoport, and claims 12 and 14 which depend therefrom are also in condition for allowance.

Claims 22-24, 31 and 33

Claims 22-24 depend from claim 20. For at least the reasons stated above, Sachs fails to disclose the limitations of claim 20. The Examiner does not assert that Rappoport cures the deficiencies of Sachs with respect to claim 20. Rappoport is generally directed toward methods and apparatus for transferring data between CAD systems. As with Sachs, Rappoport also fails to disclose determining a complexity value for a CAD model, as required by claim 20. Rappoport also fails to disclose determining a design schedule for a CAD model based at least in part on the complexity value. Accordingly, claim 20 is allowable over Sachs in view of Rappoport, and claims 22-24 which depend therefrom are also allowable.

Applicant : Kenneth L. Davis
Serial No. : 10/005,482
Filed : November 7, 2001
Page : 19 of 20

Attorney's Docket No.: 15786-034001

Claims 31 and 33 depend from claim 67. For at least the reasons stated above, Sachs fails to disclose the limitations of claim 67. The Examiner does not assert that Rappoport cures the deficiencies of Sachs with respect to claim 67. As with Sachs, Rappoport also fails to disclose determining a design schedule for a CAD model based at least in part on the a user level value and either an actual or an estimated design time. Accordingly, claims 67 is allowable over Sachs in view of Rappoport, and claims 31 and 33 which depend therefrom are also in condition for allowance.

41-43, 50 and 52

Claims 41-43 depend from claim 39. For at least the reasons stated above, Sachs fails to disclose the limitations of claim 39. The Examiner does not assert that Rappoport cures the deficiencies of Sachs with respect to claim 39. Rappoport is generally directed toward methods and apparatus for transferring data between CAD systems. As with Sachs, Rappoport also fails to disclose determining a complexity value for a CAD model, as required by claim 39. Rappoport also fails to disclose determining a design schedule for a CAD model based at least in part on the complexity value. Accordingly, claim 39 is allowable over Sachs in view of Rappoport, and claims 41-43 which depend therefrom are also allowable.

Claims 50 and 52 depend from claim 70. For at least the reasons stated above, Sachs fails to disclose the limitations of claim 70. The Examiner does not assert that Rappoport cures the deficiencies of Sachs with respect to claim 70. As with Sachs, Rappoport also fails to disclose determining a design schedule for a CAD model based at least in part on the a user level value and either an actual or an estimated design time. Accordingly, claims 70 is allowable over Sachs in view of Rappoport, and claims 50 and 52 which depend therefrom are also in condition for allowance.

Brenda Leeds Binder has been given limited recognition under 37 CFR § 11.9(b) as an employee of the Fish & Richardson PC law firm to prepare and prosecute patent applications wherein the patent applicant is a client of Fish & Richardson PC and the attorney or agent of record in the applications is a registered practitioner who is a member of Fish & Richardson,

Applicant : Kenneth L. Davis
Serial No. : 10/005,482
Filed : November 7, 2001
Page : 20 of 20

Attorney's Docket No.: 15786-034001

which is the case in the present application. A copy of the Limited Recognition document, which expires July 26, 2005, is attached hereto.

Please charge \$120.00 to deposit account 06-1050 for the Petition for One-Month Extension of Time. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date:

1/24/05



Brenda Leeds Binder
Limited Recognition under 37 CFR § 11.9(b)

Fish & Richardson P.C.
500 Arguello Street, Suite 500
Redwood City, California 94063
Telephone: (650) 839-5070
Facsimile: (650) 839-5071

50252137.doc